

TELECOPIER COVER SHEET

July 10, 2003

To: Assistant Commissioner for Patents	From: Estella Pineiro Patent Administrator 818/493-2251
Attention: Examiner F. Oropeza Art Unit: 3762 TECHNOLOGY CENTER 3700	ST. JUDE MEDICAL CRMD 15900 Valley View Court Sylmar, California 91392-9221
Telecopier: 703/306-4520	Telecopier: 818/362-4795
RE: Amendment and Request for Reconsideration Applic. No. 10/036,026 Filed: 12/21/2001 Docket No. 99P1043US01	Number of pages being sent: 13 (including cover page)

PLEASE DELIVER TO EXAMINER FRANCES P. OROPEZA, Art Unit 3762.

FAX RECEIVED

JUL 10 2003

GROUP 3700

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Joseph Florio et al.
Serial No.: 10/036,026 **Examiner:** F. Oropeza
Filed: 12/21/2001 **Art Unit:** 3762
Docket No.: 99P1043US01
For: METHODS AND APPARATUS FOR OVERDRIVE PACING
HEART TISSUE USING AN IMPLANTABLE CARDIAC
STIMULATION DEVICE

**TRANSMITTAL OF AMENDMENT AND REQUEST FOR RECONSIDERATION
AND CERTIFICATE OF MAILING**

MAIL STOP - AMENDMENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith for filing are the following documents:

☒ Amendment and Request for Reconsideration
☒ Transmittal of Amendment... and Cert. of Mlg.
☒ Fee Transmittal

Respectfully submitted,

Date:

7/10/03

Derrick Reed

Derrick Reed, Reg. No. 40,138
Patent Attorney for Applicant

Correspondence Address:
PACESETTER, INC.
15900 Valley View Court
Sylmar, CA 91392-9221
818/493-2200
818/362-4795 (fax)

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office on:

July 10, 2003

Estella Pineiro 7/10/03
Estella Pineiro Date

PTO/SB/17 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)
0

Complete if Known

Application Number	10/036,026
Filing Date	12/21/2001
First Named Inventor	Joseph J. Florio
Examiner Name	F. Oropeza
Art Unit	3762
Attorney Docket No.	99P1043US01

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

16-0068

PACESETTER, INC.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

PREV. PAID		FOR Extra Claims		Fee from below		Fee Paid	
Total Claims							
30	40	=	0	x	18	=	0
5	5	=	0	x	84	=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Derrick Reed	Registration No. (Attorney/Agent)	40,138	Telephone	818/493-2200
Signature	<i>Derrick Reed</i>	Date	7/10/03		

(Complete if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Joseph Florio et al.
Serial No.: 10/036,026
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For: METHODS AND APPARATUS FOR OVERDRIVE PACING
HEART TISSUE USING AN IMPLANTABLE CARDIAC
STIMULATION DEVICE

Examiner: F. Oropeza
Art Unit: 3762


5/A
B. Webb
7-16-03
(NE)

AMENDMENT AND REQUEST FOR RECONSIDERATION

MAIL STOP AMENDMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office on

July 10, 2003

 7/10/03
Estella Pinelro Date

Dear Sir:

In response to the Office Action dated June 23, 2003, please amend the above-identified patent application as follows: